

**Select Committee to Inquire into Matters relating to
the Post-service Work of Mr Leung Chin-man**

**Information provided by the Administration in response to
the Clerk to Select Committee's letter of 9 January 2009**

	Document No.
1. <u>Document CSB22 (SC2 Paper No. C10(C))</u>	
<p>(a) Information on the approved post-service work application (“the application”) referred to in paragraph 11 of the file minute dated 4 July 2008 to the Secretary for the Civil Service. The application was described as being similar to Mr LEUNG Chin-man’s application for post-service work with New World China Land Limited but the details stated in the minute have been obliterated.</p> <p><i>CSB’s Response : The application in question was processed under the pre-January 2006 arrangement (the “old arrangement”) governing post-service outside work of directorate civil servants. Under the old arrangement, we would not divulge information pertaining to individual cases because of the statutory restriction on the disclosure of personal data under the Personal Data (Privacy) Ordinance. Under the old arrangement, there was no mention at the time of the collection of the data in the application form that such data would be used for any other purpose than to facilitate the approving authority to assess whether or not approval should be given for the ex-civil servants concerned to take up post-service outside work. The details of the application in the minute have thus been obliterated.</i></p>	
<p>(b) Records of internal communication and/or exchange of views among senior officers in the Civil Service Bureau including the Secretary for the Civil Service, the Permanent Secretary for the Civil Service, and Deputy Secretary for the Civil Service (1), relating to the vetting and processing of Mr LEUNG’s application for post-service work with New World China Land Limited.</p>	

	<p><i>CSB's Response : The records of internal communication and/or exchange of views among senior officers in the Civil Service Bureau (CSB), relating to the vetting and processing of Mr LEUNG's application for post-service work with New World China Land Limited are contained in Documents ^{C8(C)}CSB20, ^{C9(C)}CSB21 and ^{C10(C)}CSB22. This is already the complete set of internal records kept by CSB.</i></p>	
(c)	<p>The meaning and definitions of “contractual dealings”, “legal dealings”, “official contact/dealings” and “unofficial contact/dealings”, referred to in question 26, and the meaning and definition of “contacts or dealings with companies” referred to in question 29 of the Application Form.</p> <p><i>CSB's Response : We have not specifically defined “contractual dealings”, “legal dealings”, “official contact/dealings”, “unofficial contact/dealings” and “contacts or dealings with companies”. Ordinary dictionary meanings of these terms are being used in the context of post-service outside work applications.</i></p>	
(d)	<p>Whether and how the information provided by Mr LEUNG Chin-man in the Application Form for Permission to Take up Outside Work after Ceasing Active Government Service for his post-service work with New World China Land Limited had been verified by the Administration, in particular the answers he gave for questions 26 to 29 of the Application Form.</p> <p><i>The Administration's Response : All applicants for post-service work must provide full and accurate information for the Administration to assess their applications. In particular, the applicants are required to make a declaration in the application form with wording as follows :</i></p> <p><i>“I confirm that the information provided in this application is full and accurate. I understand that if I wilfully give any false information or withhold any material information in this</i></p>	

application form, the approving authority may suspend or withdraw the approval granted for my application and where necessary, invoke appropriate sanction including legal action.”

The Administration would normally verify the information provided in case there is any doubt. In Mr LEUNG's application for post-service work with New World China Land Limited, the officers involved in processing the application did not notice anything that raised doubts on the accuracy of the information provided and hence did not take further steps to verify the information provided by Mr LEUNG, including the answers to questions 26 to 29 in the application form. It should be noted that Mr LEUNG had declared in question 22 that he would not be involved in any way in the business of the prospective employer's parent company or any of its subsidiaries. Therefore, in accordance with the explanatory note preceding question 26, information provided by Mr LEUNG in questions 26 to 30 relating to his prospective employer, i.e. New World China Land Limited, need not include the employer's parent company or any of its subsidiaries. Hence the focus of the assessment was on the business activities of New World China Land Limited, which are in the Mainland of China.

2.	Document CSB24 (SC2 Paper No. C12(C))	
	<p>The Permanent Secretary for Development (Works) advised in the memo dated 26 May 2008 to the Secretary for the Civil Service that New World Development Company Limited (the parent company of New World China Land Limited) owned the NWS Holdings Limited which in turn, through some other companies, wholly owned nine companies which were then listed contractors of the Development Bureau. Whether these nine companies had taken part in the Hunghom Peninsula development? If yes, please provide the details.</p> <p><i>THB's Response : One of the nine companies, namely, Ngo Kee Construction Company Limited, was the Main Contractor for the Hunghom Peninsula project. The Developer had advised the Government on this in their tender submission. We are not aware of any involvement of the other eight companies in the project.</i></p>	

3.	Document CSB39 (SC2 Paper No. C7(C))	
(a)	<p>Documents in connection with the file minute to the Secretary for the Civil Service seeking her approval on Mr LEUNG Chin-man's application for post-service work with Trust Company International Pty Limited (TCL), including Mr LEUNG's application, assessment by relevant bureaux/departments and the Administrative Officer Grade Management, views given by the Advisory Committee on Post-Service Employment of Civil Servants, and relevant supporting documents.</p> <p><i>CSB's Response : Please see attached the relevant documents in relation to Mr LEUNG Chin-man's application for post-service outside work with TCL -</i></p> <p>(i) <i>Mr LEUNG's application form dated 23 November 2006</i> ^{C74(C)} (CSB41);</p> <p>(ii) <i>Memo dated 27 November 2006 from the Secretary for the Civil Service (SCS) to the Permanent Secretary for Housing, Planning and Lands (Housing) (PS(H)) and the Permanent Secretary for Financial Services and the Treasury (Financial Services) (PS(FS)), seeking their</i> ^{C26(C)} comments on Mr LEUNG's application (CSB42);</p> <p>(iii) <i>PS(FS)'s memo dated 28 November 2006 providing</i> ^{C27(C)} comments on Mr LEUNG's application (CSB43);</p> <p>(iv) <i>PS(H)'s memo dated 4 December 2006 together with the</i> ^{C28(C)} completed assessment on Mr LEUNG's application to SCS (CSB44);</p> <p>(v) <i>Submission dated 4 December 2006 to Deputy Secretary (Civil Service)1 (D(1))* seeking her views and assessment</i> ^{C29(C)} on Mr LEUNG's application (CSB45);</p>	<p>CSB41(E)</p> <p>CSB42(E)</p> <p>CSB43(E)</p> <p>CSB44(E)</p> <p>CSB45(E)</p>

(vi) Submission dated 11 December 2006 to D(1) addressing her concern (^{(20)(c)} CSB46);	(30)(c) CSB46(E)
(vii) Submission dated 19 December 2006 to D(1) proposing an additional restriction (^{(31)(c)} CSB47);	(31)(c) CSB47(E)
(viii) Fax dated 21 December 2006 from the Secretary to the Advisory Committee on Post-service Employment of Civil Servants (ACPE) to the Chairman of ACPE seeking his views on Mr LEUNG's application (^{(32)(c)} CSB48);	(32)(c) CSB48(E)
(ix) Paper dated 22 December 2006 from the Secretary to ACPE to the members of ACPE seeking their views on Mr LEUNG's application (^{(33)(c)} CSB49);	(33)(c) CSB49(E)
(x) Reply slips from the members of ACPE providing their views on Mr LEUNG's application (^{(34)(c)} CSB50);	(34)(c) CSB50(E)
(xi) Submission dated 3 January 2007 to SCS seeking her approval on Mr LEUNG's application (^{(35)(c)} CSB51);	(35)(c) CSB51(E)
(xii) Approval letter dated 4 January 2007 from CSB to Mr LEUNG (^{(36)(c)} CSB52);	(36)(c) CSB52(E)
(xiii) Letter dated 24 January 2007 from Mr LEUNG to CSB advising the change of his job title with TCL (^{(37)(c)} CSB53);	(37)(c) CSB53(E)
(xiv) SCS's memo dated 25 January 2007 to PS(H) and PS(FS) seeking their comments on Mr LEUNG's revised scope of appointment (^{(38)(c)} CSB54);	(38)(c) CSB54(E)
(xv) PS(FS)'s memo dated 26 January 2007 to SCS providing comments on Mr LEUNG's revised scope of appointment (^{(39)(c)} CSB55);	(39)(c) CSB55(E)
(xvi) PS(H)'s memo dated 29 January 2007 to SCS providing comments on Mr LEUNG's revised scope of appointment (^{(40)(c)} CSB56);	(40)(c) CSB56(E)

<p>(xvii) Fax dated 29 January 2007 from the Secretary to ACPE to the Chairman of ACPE seeking his views on Mr LEUNG's revised scope of appointment (CSB57);</p> <p>(xviii) Paper dated 29 January 2007 from the Secretary to ACPE to the members of ACPE seeking their views on Mr LEUNG's revised scope of appointment (CSB58);</p> <p>(xix) Reply slips from the members of ACPE providing their views on Mr LEUNG's revised scope of appointment (CSB59);</p> <p>(xx) Submission dated 31 January 2007 to SCS seeking her approval on Mr LEUNG's revised scope of appointment (CSB60);</p> <p>(xxi) Approval letter dated 2 February 2007 from CSB to Mr LEUNG (CSB61); and</p> <p>(xxii) Case record containing the basic information on the approved outside work with TCL taken up by Mr LEUNG (CSB62).</p> <p>* The then incumbent of the post has been posted out in October 2007.</p>	<p>c41(c) CSB57(E)</p> <p>c42(c) CSB58(E)</p> <p>c43(a) CSB59(E)</p> <p>c44(c) CSB60(E)</p> <p>c45(a) CSB61(E)</p> <p>c24 CSB62(E)</p>
<p>(b) Was TCL involved in any way in the listing exercises of The Link Real Estate Investment Trusts in December 2004 and November 2005? If yes, please provide information on its role and capacity in the listing exercises.</p> <p>THB's response : We are not aware of any involvement of TCL in the listing exercises of the Link Real Estate Investment Trust in December 2004 and November 2005. We will check against the list of institutional investors allocated with the units when the list is available from the Joint Global Coordinators.</p>	

4.	Document CSB40 (SC2 Paper No. C1(C))	
(a)	<p>Documents in connection with the file minute to the Secretary for the Civil Service seeking her approval on Mr LEUNG Chin-man's application for post-service work with Fineland Real Estate (Holdings) Company Limited (Fineland), including Mr LEUNG's application, assessment by relevant bureaux/departments and the Administrative Officer Grade Management, views given by the Advisory Committee on Post-Service Employment of Civil Servants, and relevant supporting documents.</p> <p><i>CSB's Response : Please see attached the relevant documents in relation to Mr LEUNG Chin-man's application for post-service outside work with Fineland -</i></p> <p>(i) <i>Mr LEUNG's application form dated 26 November 2007</i> ^{e46(c)} (CSB63);</p> <p>(ii) <i>SCS's memo dated 29 November 2007 to PS(H) seeking his</i> ^{e47(c)} <i>comments on Mr LEUNG's application</i> (CSB64);</p> <p>(iii) <i>PS(H)'s memo dated 7 December 2007 together with the</i> ^{e48(c)} <i>completed assessment on Mr LEUNG's application to SCS</i> (CSB65);</p> <p>(iv) <i>Submission dated 12 December 2007 to D(1)* seeking her</i> ^{e49(c)} <i>views and assessment on Mr LEUNG's application</i> (CSB66);</p> <p>(v) <i>Minute dated 17 December 2007 from D(1) setting out her</i> ^{e50(c)} <i>views on Mr LEUNG's application</i> (CSB67);</p> <p>(vi) <i>Submission dated 18 December 2007 to D(1) addressing</i> ^{e51(c)} <i>her concern</i> (CSB68);</p> <p>(vii) <i>Fax dated 20 December 2007 from the Secretary to ACPE</i></p>	<p>CSB63(E)</p> <p>CSB64(E)</p> <p>CSB65(E)</p> <p>CSB66(E)</p> <p>CSB67(E)</p> <p>CSB68(E)</p>

<p>to the Chairman of ACPE seeking his views on Mr LEUNG's application (CSB69);</p> <p>(viii) Paper dated 20 December 2007 from the Secretary to ACPE to the members of ACPE seeking their views on Mr LEUNG's application (CSB70);</p> <p>(ix) Reply slips from the members of ACPE providing their views on Mr LEUNG's application (CSB71);</p> <p>(x) Submission dated 4 January 2008 to SCS seeking her approval on Mr LEUNG's application (CSB72);</p> <p>(xi) Approval letter dated 10 January 2008 from CSB to Mr LEUNG (CSB73);</p> <p>(xii) Case record containing the basic information on the approved outside work with Finland taken up by Mr LEUNG (CSB74); and</p> <p>(xiii) Letter dated 9 August 2008 from Mr LEUNG informing CSB of his resignation from Finland (CSB75).</p> <p>* The then incumbent of the post has resigned in October 2008.</p>	<p>(52)(c) CSB69(E)</p> <p>(53)(c) CSB70(E)</p> <p>(54)(c) CSB71(E)</p> <p>(55)(c) CSB72(E)</p> <p>(56)(c) CSB73(E)</p> <p>(57)(c) CSB74(E)</p> <p>(57)(c) CSB75(E)</p>
<p>(b) Information relating to Finland including its business, its parent company and subsidiary companies, and whether Finland and its parent or subsidiary companies have engaged in property development or construction projects in Hong Kong.</p> <p><i>The Administration's Response : The information relating to Finland can be found at the information pack attached to the application form dated 26 November 2007 submitted by Mr LEUNG Chin-man at Document CSB63.</i></p> <p><i>A company search on Finland has been conducted in response to the question raised by the Select Committee, which revealed that the company was incorporated in the Cayman Islands on 31 July</i></p>	<p>(46)(c) CSB63(E)</p>

<p><i>2006 after change of name from a company called Rich Luck Limited. The company name was further changed to Fineland Real Estate Holdings Company Limited on 16 August 2007 and the then sole shareholder was Widethrive Investments Limited. Both Fineland and Widethrive Investments Limited are/were not on the Government's List of Approved Contractors for Public Works and List of Approved Suppliers of Materials and Specialist Contractors for Public Works. We have no record showing Widethrive Investment Limited being involved in any property development in Hong Kong.</i></p>	
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